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11 *Attorneys for Plaintiff/Counter-Defendant*

12 The Bank of New York Mellon fka The Bank of New
13 York, as Trustee for the Certificate Holders CWALT,
14 Inc. Alternative Loan Trust 2006-OC8 Mortgage
15 Pass-Through Certificates, Series 2006-OC8

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 The Bank of New York Mellon fka The Bank of New York, as Trustee for the
19 Certificate Holders CWALT, Inc. Alternative Loan Trust 2006-OC8
20 Mortgage Pass-Through Certificates, Series 2006-OC8,

21 Plaintiff,

22 vs.

23 Marguerite DeSelms, individually, and as Trustee of The Circle Road Revocable
24 Living Trust Dated November 11, 2010; Alan David Tikal as Trustee of the KATN Revocable Living Trust; and CAA, Inc., a Nevada corporation,

25 Defendants.

26 Case No.: 5:18-cv-01044

27 **PLAINTIFF/COUNTER-DEFENDANT'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS DEFENDANT/COUNTER-COMPLAINANT MARGUERITE DESELMS'S COUNTER-COMPLAINT**

**TO THE HONORABLE COURT, ALL PARTIES AND THEIR
ATTORNEYS OF RECORD:**

Plaintiff/Counter-Defendant The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificate Holders CWALT, Inc. Alternative Loan Trust 2006-OC8 Mortgage Pass-Through Certificates, Series 2006-OC8, (“BONY”) requests that this Court take judicial notice of the documents attached to this Request for Judicial Notice (“RJN”) as Exhibit A in support of its concurrently-filed Motion to Dismiss Counter-Complaint of Defendant/Counter-Complainant Marguerite DeSelms, individually, and as Trustee of The Circle Road Revocable Living Trust Dated November 11, 2010.

Exhibit A: Notice of Rescission of Notice of Default and Election to Sell
Under Deed of Trust publicly recorded on December 12, 2018 in the Official Records
of San Bernardino County Recorder's Office.

Under Federal Rule of Evidence 201, a fact is judicially noticeable when it is not subject to reasonable dispute and is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. The Ninth Circuit has “extended the doctrine of incorporation by reference to consider documents in situations where the complaint necessarily relies upon a document or the contents of the document are alleged in a complaint, the document’s authenticity is not in question and there are no disputed issues as to the document’s relevance.” *Coto Settlement v. Eisenberg*, 593 F.3d 1031, 1038 (9th Cir. 2010); *Elizabeth Retail Properties LLC v. KeyBank Nat. Ass’n*, 83 F. Supp. 3d 972, 984 (D. Or. 2015).

DATED: January 23, 2019.

YU MOHANDESI LLP

By: /s/ Sheri Guerami
Sheri Guerami
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on January 23, 2019, a copy of the foregoing was filed and served electronically in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system as described below. Parties may access this filing through the Court's system. A copy of the foregoing was also mailed via United States Postal Service to the following non-ECF participant:

Plaintiff Pro Per

Marguerite DeSelms

PO Box 84343

Los Angeles, CA 90073

DATED: January 23, 2019

/s/ Sheri Guerami
Sheri Guerami